



IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES OF AMERICA

v.

BIJAN RAFIEKIAN, *et al.*,

Defendants.

No. 1:18-CR-457-AJT

UNDER SEAL

NOTICE OF CORRECTION TO THE RECORD

At the June 13, 2019, hearing, the following colloquy took place between the Court and the attorney for the government:

THE COURT: Let me ask you this. It's not in the indictment. Is the government alleging that Mr. Flynn was part of this conspiracy?

MR. GILLIS: We are not, Your Honor.

THE COURT: Right. So you're not presenting any statements by him, any testimony – there would be no evidence from him as to the existence of the conspiracy?

MR. GILLIS: Well, Your Honor – no, Your Honor, as to that. There will certainly be testimony from General Flynn. And from that testimony, the jury could draw a reasonable inference that there was a conspiracy, but we are not – we do not contend that General Flynn was a part of that conspiracy.

Tr. 65.

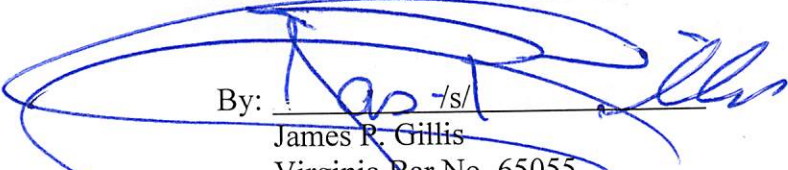
The government must amend this representation. At trial, the government will ask the Court to find, based upon a preponderance of the evidence presented at trial, that Flynn was a co-

conspirator in the conspiracy charged in the superseding indictment. The government will introduce out-of-court statements by Flynn pursuant to FED. R. EVID. 801(d)(2)(E). The government does not plan to call Flynn as a witness in its case-in-chief.

Respectfully submitted,

G. ZACHARY TERWILLIGER
UNITED STATES ATTORNEY

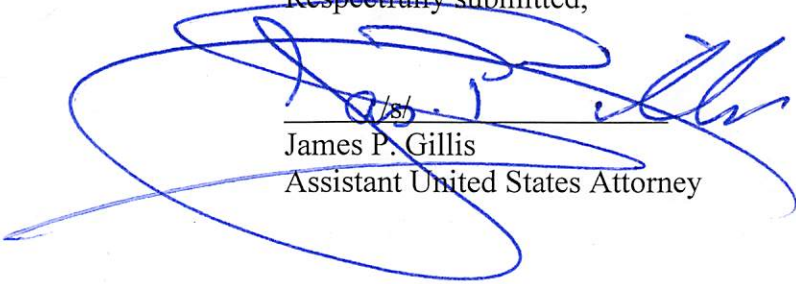
/s/
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CERTIFICATE OF SERVICE

I hereby certify that on July 3, 2019, I sent the foregoing by email to counsel for the defendant and to counsel for Michael T. Flynn.

Respectfully submitted,



/s/
James P. Gillis
Assistant United States Attorney